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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,804	09/06/2006	J. Michael Lucas	06005/41116	4742
45372 7590 06/10/2009 MARSHALL, GERSTEIN & BORUN LLP (FISHER) 233 SOUTH WACKER DRIVE 6300 SEARS TOWER CHICAGO, IL 60606			EXAMINER BARNES-BULLOCK, CRYSTAL JOY	
			ART UNIT 2121	PAPER NUMBER
			MAIL DATE 06/10/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/591,804

Applicant(s)

LUCAS ET AL.

Examiner

Crystal J. Barnes-Bullock

Art Unit

2121

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34, 36 and 38-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-34, 36 and 38-42 is/are allowed.
- 6) ☒ Claim(s) 1-14, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-849)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a Final Office Action in response to the Amendment received on 11 March 2009. Claims 19 and 36 have been amended. Claims 35 and 37 have been cancelled. Claims 1-34, 36 and 38-42 remain pending in this application.

Response to Arguments

2. Applicant's arguments filed 11 March 2009 have been fully considered but they are not persuasive.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., binding memory) are not explicitly recited in the specification.

The Spriggs et al. reference discloses [t]hese module groups can reside on a single computer (process device) or on a plurality of independent computers that

interact via a network. The groupings can include a data acquisition module 20, a database module 80, a display module 100 including a unified graphical user interface 102 or a unified GUI 102, and a utilities module 200. (See column 5 lines 59-65.)

The display module taught by Spriggs et al. reads on the executable graphic display taught by the present application.

The Spriggs et al. reference discloses [t]he data acquisition module 20 includes a software module that can reside on one more data acquisition computers or clients and acts as, inter alia, a data buffer that serves data to both the database module 80 and to the display module 100 for data storage and for real-time data display, respectively (see columns 5-6 lines 66-4).

The Spriggs et al. reference discloses [t]he database module 80 includes a relational database 82 that is a repository for all configuration information as well as data collected by data acquisition devices 60 (see column 6 lines 11-13).

The Spriggs et al. reference discloses [t]he display module 100 includes a software module that displays data in the database module 80 or in the data acquisition module 20 on, for example, one or more computers or display clients via the unified graphical user interface 102 (see column 6 lines 22-26).

The Spriggs et al. reference discloses [t]he utilities module 200 includes software modules that increase the communications abilities and functionality of the system 10. These utilities preferably include a configuration module 202 including configuration tools, data exporter modules 300 including custom interface modules, and system extender (SE) modules 302 (please see FIG. 3). Configuration tools are used to configure all data acquisition devices including instrumentation, construct machine train diagrams, and define the enterprise (i.e., the logical arrangement of machinery assets within the plant). Configuration tools and configuration information existing in the system 10 is preferably available for system extenders as well. Data exporter modules 300 are interfaces that allow the system 10 to communicate with control and automation systems including third party control and automation systems. (See column 6 lines 49-65.)

The configuration module taught by Spriggs et al. reads on the functionality of the binding memory taught by the present application.

The software modules of each data acquisition module, database module, display module and utilities module taught by Spriggs et al. reads on the memory associated with the executable graphic display taught by the present application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-14, 17 and 18 remain rejected under 35 U.S.C. 102(b) as being anticipated by USPN 6,421,571 B1 to Spriggs et al.

As per claim 1, the Spriggs et al. reference discloses a configuration system for use in a process plant having a plurality of physical and logical process entities which operate together to perform a process and a process controller communicatively connected to the plurality of physical and logical process entities to implement a control routine to control the operation of the process plant, the configuration system comprising: an executable graphic display (see column 5 line 62-65, "display module 100") that includes one or more visual depictions (see columns 14-15 lines 65-2, "graphical enterprise or asset view 160") to be displayed on a display device ("GUI 102") when the graphic display ("display module 100") is executed, a parameter memory (see column 6 lines 11-13, "relational database 82")

adapted to store a value ("data") of a parameter ("data acquisition devices 60") and a binding memory (see column 6 lines 49-54, "utilities module 200") adapted to store a reference ("configuration module 202") for communicatively connecting the parameter memory ("relational database 82") to a data source (see column 6 lines 8-10, "data acquisition devices 60") within the process plant (see figs. 1 & 2, "plant assets PA"); a configuration database (see column 9 lines 53-55, "configuration database 86") that stores an indication of the physical and logical process entities (see column 6 lines 8-10, "transducers/sensors 70") and an indication of the executable graphic display ("display module 100"); and a configuration engine (see column 10 lines 15-21, "configuration module 202") that enables a user to configure the operation of the graphic display ("display module 100") by associating the graphic display ("display module 100") within the configuration database ("configuration database 86") with one of the indications of the physical and logical process entities ("transducers/sensors 70") within the configuration database ("configuration database 86").

As per claim 2, the Spriggs et al. reference discloses the configuration engine ("configuration module 202") determines a reference ("configuration module 202") to be stored in the binding memory ("utilities module 200") based on the

identity of the one of the physical and logical process entities ("transducers/sensors 70") to which the graphic display ("display module 100") is associated.

As per claim 3, the Spriggs et al. reference discloses the configuration database ("configuration database 86") stores the indication of the executable graphic display (see columns 14-15 lines 65-2, "graphical enterprise or asset view 160") in a library section (see fig. 16, "configuration module 202") indicating that the executable graphic display ("graphical enterprise or asset view 160") is not bound to the data source ("data acquisition devices 60") within the process plant ("plant assets PA") and wherein the configuration database ("configuration database 86") stores the indications of the physical and logical process entities ("transducers/sensors 70") in a manner that indicates the manner in which these physical and logical process entities ("transducers/sensors 70") are configured in the process plant ("plant assets PA").

As per claim 4, the Spriggs et al. reference discloses the indications of the physical and logical process entities ("transducers/sensors 70") include an indication of a control routine (see column 12 lines 48-51, "data acquisition connection manager module 42") and the configuration engine ("configuration

module 202") enables the executable graphic display ("graphical enterprise or asset view 160") to be associated with the control routine ("data acquisition connection manager module 42").

As per claim 5, the Spriggs et al. reference discloses the indications of the physical and logical process entities ("transducers/sensors 70") include an indication of a plant area ("plant assets PA") and the configuration engine ("configuration module 202") enables the executable graphic display ("graphical enterprise or asset view 160") to be associated with the plant area ("plant assets PA").

As per claim 6, the Spriggs et al. reference disclose the indications of the physical and logical process entities ("transducers/sensors 70") include an indication of an equipment entity ("plant assets PA") and the configuration engine ("configuration module 202") enables the executable graphic display ("graphical enterprise or asset view 160") to be associated with the equipment entity ("plant assets PA").

As per claim 7, the Spriggs et al. reference discloses the indications of the physical and logical process entities ("transducers/sensors 70") include an indication of a display device ("plant assets PA") and the configuration engine

("configuration module 202") enables the executable graphic display ("graphical enterprise or asset view 160") to be associated with the display device ("plant assets PA").

As per claim 8, the Spriggs et al. reference discloses the display device ("plant assets PA, display 100") includes a functional subsystem (see column 6 lines 28-31, "basic navigation/operator display and full machinery management display") and wherein the configuration engine ("configuration module 202") enables the executable graphic display ("graphical enterprise or asset view 160") to be associated with the functional subsystem ("basic navigation/operator display and full machinery management display") of the display device ("plant assets PA, display 100").

As per claim 9, the Spriggs et al. reference discloses the executable graphic display ("graphical enterprise or asset view 160") includes an indication of a role (see column 6 lines 28-31, "two levels of display") associated with the executable graphic display ("graphical enterprise or asset view 160") and wherein the configuration engine ("configuration module 202") associates the executable graphic display ("graphical enterprise or asset view 160") with the functional subsystem ("basic navigation/operator display and full machinery management

display") of the display device ("plant assets PA, display 100") according to the role ("two levels of display") associated with the graphic display.

As per claim 10, the Spriggs et al. reference discloses the functional subsystem ("basic navigation/operator display and full machinery management display") of the display device ("plant assets PA, display 100") is an operator subsystem ("basic navigation/operator display") or a maintenance subsystem ("full machinery management display") or a simulation subsystem.

As per claim 11, the Spriggs et al. reference discloses the indications of the physical and logical process entities ("transducers/sensors 70") include an indication of a first logical entity ("transducers/sensors 70") and the configuration engine ("configuration module 202") assigns the executable graphic display ("graphical enterprise or asset view 160") to a display device ("display 100") associated with the first logical entity ("transducers/sensors 70") when the configuration engine ("configuration module 202") associates the executable graphic display ("graphical enterprise or asset view 160") with the first logical entity ("transducers/sensors 70").

As per claim 12, the Spriggs et al. reference discloses the first logical entity ("transducers/sensors 70") is a control area or a control module ("transducers/sensors 70").

As per claim 13, the Spriggs et al. reference discloses the executable graphic display ("graphical enterprise or asset view 160") includes an indication of a role (see column 6 lines 28-31, "two levels of display") associated with the executable graphic display ("graphical enterprise or asset view 160") and wherein the configuration engine ("configuration module 202") enables the executable graphic display ("graphical enterprise or asset view 160") to be used according to the role ("two levels of display") when associated with the one of the physical and logical process entities ("transducers/sensors 70").

As per claim 14, the Spriggs et al. reference discloses the configuration database (see column 18 lines 11-15, "configuration database 86") stores one or more unassigned executable graphic displays (see column 20 lines 18-28, "plot configurations") in one section of the configuration database ("configuration database 86") and stores one or more assigned executable graphic displays ("plot group configuration") in another section of the configuration database ("configuration database 86").

As per claim 17, the Spriggs et al. reference discloses the configuration database ("configuration database 86") stores the executable graphic display ("graphical enterprise or asset view 160") according a role (see column 6 lines 28-31, "two levels of display") defined for the executable graphic display ("graphical enterprise or asset view 160").

As per claim 18, the Spriggs et al. reference discloses the configuration database ("configuration database 86") manages the visual depictions ("graphical enterprise or asset view 160") of the executable graphic display ("graphical enterprise or asset view 160") separately from the binding ("utilities module 200") of the executable graphic display ("graphical enterprise or asset view 160").

Allowable Subject Matter

5. Claims 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 19-34, 36 and 38-42 are allowable.

7. The following is a statement of reasons for the indication of allowable subject matter:

As per claim 15, the prior art of record taken alone or in combination fails to teach the configuration engine produces a screen depicting the indications of the plurality of physical and logical process entities and the indication of the executable graphic display and enables a user to configure the operation of the executable graphic display dragging the indication of the executable graphic display to one of the indications of the plurality of physical and logical process entities and dropping the indication of the executable graphic display on the one of the indications of the plurality of physical and logical process entities.

As per claim 16, the prior art of record taken alone or in combination fails to teach the configuration engine produces a screen depicting the indications of the plurality of physical and logical process entities and the indication of the executable graphic display and produces an indication that the executable graphic display needs to be downloaded to a display device within the process plant after the executable graphic display is associated with one of the physical and logical process entities.

As per claim 19, the prior art of record taken alone or in combination fails to teach downloading the one or more executable graphic displays according to the manner in which the indications of the one or more executable graphic displays are associated with the indications of the one or more physical and logical process entities within the configuration database.

As per claim 36, the prior art of record taken alone or in combination fails to teach downloading the one or more executable graphic displays according to the manner in which the one or more executable graphic displays are assigned to the display devices.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the

advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes-Bullock whose telephone number is 571.272.3679. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 571.272.3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system,

contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Crystal J. Barnes-Bullock/
Primary Examiner, Art Unit 2121
8 June 2009